

Notice of Allowability**Application No.**

10/715,826

Examiner

Darwin P. Erezzo

Applicant(s)

HILL ET AL.

Art Unit

3773

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the interview conducted on 11/29/10.
2. ☒ The allowed claim(s) is/are 1-8,10-12,68 and 69.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

/Darwin P. Erezzo/
Primary Examiner, Art Unit 3773

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Bill Foster on 11/29/10.

The application has been amended as follows:

IN THE CLAIMS

Claim 1. (Currently Amended) A coupler comprising:

a saddle having a longitudinal axis extending along a first direction;

a channel extending from a first end to a second end along a second direction substantially perpendicular to the first direction, said first end having a substantially elliptical cross-section of a first width in the first direction connected to said saddle and said second end having a substantially circular cross-section of a second width in the first direction;

a tissue clamp positioned around said channel, said tissue clamp comprising:

a base portion;

a clamping portion extending from said base portion, said clamping portion configured to elastically move from a clamped position

substantially corresponding to a shape of said saddle to an unclamped position not corresponding to the shape of said saddle; and

a connection portion configured to connect said clamping portion to said channel and limit the axial position of said clamping portion in the unclamped position relative to said saddle; and

a flange formed substantially at said second end of said channel,

wherein the first width of the substantially elliptical cross-section is greater than the second width of the substantially circular cross-section,

wherein said connection portion comprises a pair of legs, which extend and position said tissue clamp adjacent to said saddle when said tissue clamp is heated to a transition temperature,

wherein said pair of legs are connected to said channel at said flange formed substantially at said second end of said channel, and

wherein said pair of legs are configured to bias said clamping portion towards said saddle in the clamped position.

Cancelled claims 9, 23-25, 27-33 and 67.

2. The following is an examiner's statement of reasons for allowance:

The prior art of record fails to teach or render obvious a coupler comprising, inter alia, the connection portion comprising a pair of legs that extend and position the tissue clamp adjacent to the saddle when the tissue clamp is heated to a transition temperature, wherein the pair of legs are connected to the channel at the flange formed substantially at the second end of the channel ,and wherein the pair of legs are configured to bias the clamping portion towards the saddle in the clamped position.

Independent claim 1 was amended to include the limitations of dependent claims 9 and 67. The previous rejection to claim 67 in the Office action mailed on 7/22/10 is withdrawn because Berreklouw fails to teach the pair of legs that are connected to the channel at a flange section for biasing the clamping portion towards the saddle.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Darwin P. Erez whose telephone number is (571)272-4695. The examiner can normally be reached on M-F (8:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jackie Ho can be reached on (571) 272-4696. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Darwin P. Erezol/
Primary Examiner, Art Unit 3773